

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SPRINTCOM, INC. FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT) CASE NO.
A PERSONAL COMMUNICATIONS SERVICES FACILITY IN THE) 99-103-UAC
CINCINNATI BASIC TRADING AREA [CRITTENDEN FACILITY])

O R D E R

On May 3, 1999, SprintCom, Inc. ("SprintCom") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a personal communications services ("PCS") facility for the Cincinnati Basic Trading Area. SprintCom has requested authorization to construct a PCS site in Grant County. SprintCom was previously granted the authority to operate in Case No. 97-294.¹

The proposed PCS site is located at 307 North Main Street, Crittenden, Grant County, Kentucky ("the Crittenden PCS site"). The coordinates for the Crittenden PCS site are North Latitude 38° 47' 4" by West Longitude 84° 36' 00".

SprintCom has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Crittenden PCS site. Based upon the application, the design of the tower and foundation conforms to applicable nationally

¹ Case No. 97-294, The Application of SprintCom, Inc. for Operating Authority and Issuance of Certificate of Public Convenience and Necessity to Construct Personal Communications Services Facilities in Kentucky.

recognized building standards, and a Registered Professional Engineer has certified the plans.

Pursuant to KRS 100.987(2), SprintCom has submitted the uniform application to the Grant County Planning Commission (GCPC) for the pending construction. The GCPC rejected the site, stating that better sites were available, yet in documents filed with this Commission it did not recommend any specific alternative sites. The Commission may override a Planning Commission rejection - KRS 100.987(5) - if the public convenience and necessity require the construction and if no suitable alternative exists. SprintCom has demonstrated that the public convenience and necessity requires the construction. Moreover, no specific alternative sites have been recommended to the Commission for radio frequency analysis. SprintCom has filed and received approval from the Federal Aviation Administration and the Kentucky Airport Zoning Commission for the construction and operation of the Crittenden PCS site.

SprintCom has filed notices verifying that each person who owns property within 500 feet of the Crittenden PCS site has been notified of the pending construction. The notice solicited any comments and informed the property owners or residents of their right to intervene. In addition, notice was posted in a visible location on the proposed site for at least two weeks after SprintCom's application was filed. The City of Crittenden intervened and a hearing was scheduled for October 12, 1999. Prior to the hearing, the City withdrew its opposition and the hearing was cancelled.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the

facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, SprintCom should notify the Commission if it does not use this antenna tower to provide PCS radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by SprintCom.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that SprintCom should be granted a Certificate of Public Convenience and Necessity to construct and operate the Crittenden PCS site under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. SprintCom is hereby granted a Certificate of Public Convenience and Necessity to construct and operate the Crittenden PCS site.
2. SprintCom shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 15th day of December, 1999.

By the Commission

ATTEST:

Executive Director